

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FRITZ & BIANCULLI, LLC d/b/a FRITZ
BIANCULLI,
Plaintiff,

v.

PATRICK MCCABE, HOLLAND AND
KNIGHT, LLP, JEAN DONOHUE, and
ERIC BERG,
Defendants.

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CIVIL ACTION

No. 24-cv-4741

ORDER

AND NOW, this 13th day of February, 2025, upon consideration of Defendants' Motions to Dismiss (ECF Nos. 18 & 19), it is hereby **ORDERED** that said Motions are **GRANTED in PART and DENIED in PART**.

Defendant Patrick McCabe's Motion to Dismiss is **GRANTED in PART** and **DENIED in PART** as follows:

1. Defendant's Motion is **DENIED** as it pertains to Count I;
2. Defendant's Motion is **GRANTED** as it pertains to Count III. Count III is **DISMISSED WITHOUT PREJUDICE** and **WITH LEAVE TO AMEND**;
3. Defendant's Motion is **DENIED** as it pertains to Count IV; and
4. Defendant's Motion is **GRANTED** as it pertains to Count V. Count V is **DISMISSED WITH PREJUDICE**.

Defendants Holland and Knight, LLP, Jean Donohue, and Eric Berg's Motion to Dismiss is **GRANTED in PART** and **DENIED in PART** as follows:

1. Defendants' Motion is **DENIED** as it pertains to Count I;

2. Defendants' Motion is **GRANTED** as it pertains to Count II. Count II is **DISMISSED WITHOUT PREJUDICE** and **WITH LEAVE TO AMEND**;
3. Defendants' Motion is **GRANTED** as it pertains to Count III; Count III is **DISMISSED WITH PREJUDICE** against Defendant Holland and Knight, LLP. Count III is **DISMISSED WITHOUT PREJUDICE** and **WITH LEAVE TO AMEND** against Defendants Jean Donohue and Eric Berg;
4. Defendants' Motion is **GRANTED** as it pertains to Count IV. Count IV is **DISMISSED WITH PREJUDICE**; and
5. Defendants' Motion is **GRANTED** as it pertains to Count V. Count V is **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

BY THE COURT:

/s/ John Milton Younge
Judge John Milton Younge